

RESOLUTION NUMBER R- 308491

DATE OF FINAL PASSAGE OCT 08 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO VACATING A PORTION OF GOLDFINCH
STREET (RIGHT-OF-WAY VACATION NO. 949135) –
PROJECT NO. 270034.

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego Municipal Code section 125.0901 *et seq.* provide a procedure for the vacation of public rights-of-way by City Council resolution; and

WHEREAS, Claude-Anthony Marengo, Marengo Morton Architects, acting on behalf of the owner of the underlying property, filed an application to vacate those portions of Goldfinch Street (80 feet wide) of Horton's Addition according to Map by L.L. Lockling, recorded on July 21, 1871, lying between the southerly right-of-way line of Thorn Street (80 feet wide) and the northerly right-of-way line of Spruce Street (80 feet wide), being described as Right-of-Way Vacation No. 949135; and

WHEREAS, Right-of-Way Vacation No. 949135 is located on property owned by Claudio Canive and Leyla Larijani; and

WHEREAS, on May 16, 2013, the Planning Commission of the City of San Diego considered Right-of-Way Vacation No. 949135, and pursuant to Resolution No. 4910-PC voted 5-0-1 to recommend City Council approval of the Vacation; and

WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the

decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on October 8, 2013, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that with respect to Right-of-Way Vacation No. 949135, the Council finds that:

1. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. Goldfinch Street was originally created as a major collector street with an 80 foot-wide public right-of-way. However, due to the topography of Goldfinch Street, the blocks north of the 3200 block area were modified during subsequent residential development, which reduced those areas to low volume residential local streets with 40 to 50 foot-wide public rights-of-way. However, the area along the 3200 block of Goldfinch Street has retained an 80 foot-wide public right-of-way that it is unnecessary for the use of the surrounding residential properties. The proposed 20 foot-wide vacation along the 3200 block of Goldfinch Street will remove the excess right-of-way while still maintaining compliance with the City's standard low volume residential local street width of 50 to 60 feet. Therefore, there is no prospective use for this portion of public right-of-way, either for which the facility for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

2. The public will benefit from the action through improved use of the land made available by the vacation. The proposed partial street vacation will vacate 10 feet of the public right-of-way from each side of Goldfinch Street for the 3200 block area. This will benefit the public by returning property rights to the abutting private landowners whereas the proposed vacation area is currently excess public right-of-way that is unnecessary for the use of the surrounding residential properties. The proposed vacation will also benefit the public by amending the lot lines of these abutting properties, which will bring existing residential structures into compliance with the applicable zoning regulations for setback requirements and this portion of Goldfinch Street into compliance with the City's Street Design Manual. Therefore, the public will benefit from the action through improved use of the land made available by the vacation.

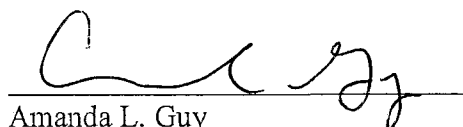
3. The vacation does not adversely affect any applicable land use plan. The proposed partial street vacation along the 3200 block of Goldfinch Street will have no adverse affect on the adopted General Plan and Uptown Community Plan and will provide consistency to the irregular size of the public right-of-way along the length of the street. Therefore, the vacation does not adversely affect any applicable land use plan.

4. **The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.** The proposed partial street vacation along the 3200 block of Goldfinch Street will not detrimentally affect the City's public rights and facilities within the existing right-of-way. Public facilities will be retained within the remaining public right-of-way and will continue to serve the public in the same manner as originally intended. Therefore, the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that Public Right-of-Way Vacation No. 949135, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 36837-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Amanda L. Guy
Deputy City Attorney

ALG:mm
09/18/2013
Or.Dept:DSD
Doc. No. 576743_5

EXHIBIT "A"

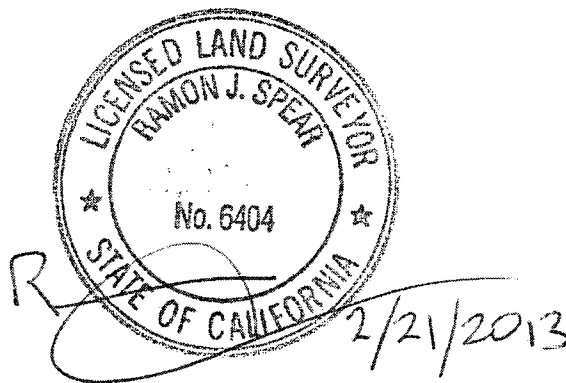
LEGAL DESCRIPTION (STREET VACATION)

PORTIONS OF GOLDFINCH STREET

THOSE PORTIONS OF GOLDFINCH STREET (80.00 FEET WIDE) OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY L.L. LOCKLING, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JULY 21, 1871, LYING BETWEEN THE SOUTHERLY RIGHT-OF-WAY LINE OF THORN STREET (80.00 FEET WIDE) AND THE NORTHERLY RIGHT-OF-WAY LINE OF SPRUCE STREET (80.00 FEET WIDE) AND SPECIFICALLY DESCRIBED AS FOLLOWS:

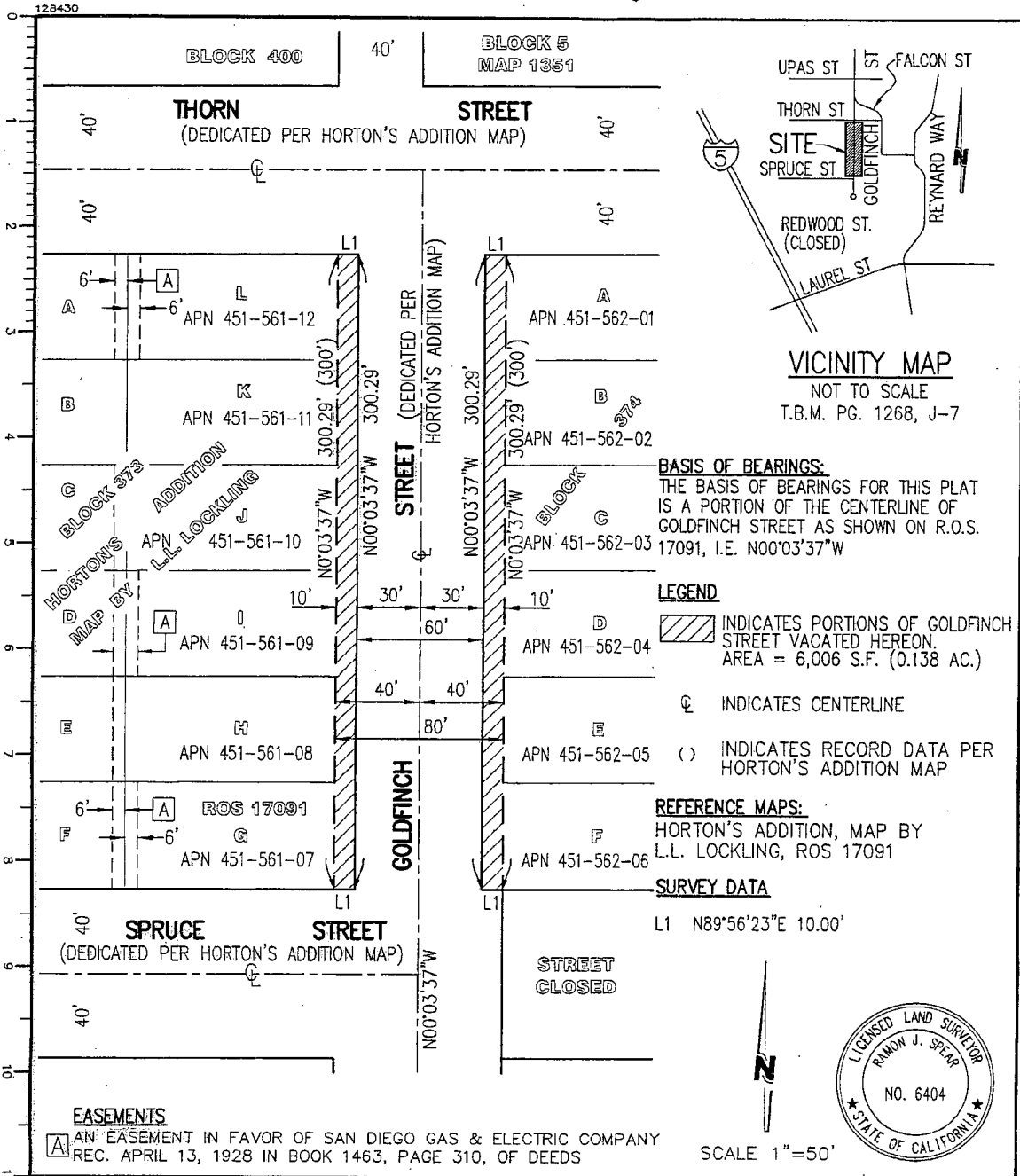
THE WESTERLY 10.00 FEET OF SAID GOLDFINCH STREET ADJOINING BLOICK 373 AND THE EASTERLY 10.00 FEET OF SAID GOLDFINCH STREET ADJOINING BLOCK 374, ALL AS SHOWN PER SAID HORTON'S ADDITION MAP

CONTAINING A TOTAL AREA OF 6,006 SQ. FT. (0.138 ACRES), MORE OR LESS

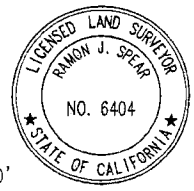


I.O. NO. : 24002454
P.T.S. NO.: 270034
DWG. NO. : 36837-B

EXHIBIT "B"



EASEMENTS
[A] AN EASEMENT IN FAVOR OF SAN DIEGO GAS & ELECTRIC COMPANY REC. APRIL 13, 1928 IN BOOK 1463, PAGE 310, OF DEEDS



SCALE 1"=50'

SPEAR & ASSOCIATES, INC
CIVIL ENGINEERING AND LAND SURVEYING
475 PRODUCTION STREET, SAN MARCOS, CA. 92078
PHONE (760) 736-2040 FAX (760) 736-4866

BY: *R. Spear* 2/22/2013
L.S. 6404 DATE

PUBLIC RIGHT-OF-WAY VACATION - PORTIONS GOLDFINCH STREET BETWEEN SPRUCE STREET AND THORN STREET

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL	S&A				SHEET 1 OF 1 SHEET	
					I.O. 24002454 P.T.S. NO. 270034	
					1848-6277 CCS 83 COORDINATES	
					208-1715 LAMBERT COORDINATES	
					36837-B	
STATUS						

Passed by the Council of The City of San Diego on OCT 08 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 08 2013

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By  Deputy

Office of the City Clerk, San Diego, California

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